Office of the Commissioner of Lobbying

2010-2011

Report on Plans and Priorities

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President of the Treasury Board

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Commissioner's Message

I am pleased to present the second Report on Plans and Priorities for the Office of the Commissioner of Lobbying. My responsibilities as Commissioner are to provide a readily accessible registry for lobbyists and the public; to develop and implement an education and outreach strategy to enhance awareness of the *Lobbying Act* and the *Lobbyists' Code of Conduct*; and to ensure compliance with both.

I believe Canadians deserve a registry that makes lobbying activities conducted at the federal level transparent to everyone. Given this important priority, I will continue to focus our efforts on improving the Registry of Lobbyists to make the system even easier and more dependable for users to register lobbying activities and search for data.

For 2010-2011, my plans include developing and implementing educational programs to provide Canadians with a better understanding of the *Lobbying Act*. I am committed to ensuring that lobbyists, their clients, public office holders and the Canadian public are fully informed of the requirements of the *Lobbying Act*. It is my belief that compliance with the *Lobbying Act* and the *Lobbyists' Code of Conduct* is best accomplished through education. This is how I see the Office of the Commissioner of Lobbying contributing to government-wide objectives. We are providing effective support to Parliament through educating lobbyists and the Canadian public on the rationale and requirements of the *Lobbying Act*.

While education is important to ensure compliance, alleged breaches of the *Lobbying Act* and the *Lobbyists' Code of Conduct* will continue to be dealt with in a serious manner. Alleged transgressions of the *Lobbying Act* and the *Lobbyists' Code of Conduct* will continue to be examined and appropriate measures will be taken.

Finally, the *Lobbying Act* is eligible for its five-year legislative review starting in 2010. I plan to prepare for this review by identifying various issues that could be examined, meeting with stakeholders as needed, and working with Parliament when required to advance the review of the *Lobbying Act*.

The Office of the Commissioner of Lobbying, as always, is committed to fulfilling Parliament's desire for increased transparency and integrity in the administration of the *Lobbying Act*. It is in this regard that I respectfully submit our plans for the upcoming year.

Karen E. Shepherd
Commissioner of Lobbying

Section I – Departmental Overview

1.1 Summary Information

Raison d'être

The mandate of the Office of the Commissioner of Lobbying is derived from the *Lobbying Act* (www.ocl-cal.gc.ca). Its purpose is to ensure transparency and accountability in the lobbying of public office holders in order to contribute to confidence in the integrity of government decision-making. The Office of the Commissioner of Lobbying supports the Commissioner in fulfilling this mandate.

Responsibilities

The Commissioner of Lobbying is responsible for the administration of the *Lobbying Act* (the Act). The authority of the Commissioner, who is an independent officer of Parliament, derives from the Act.

The Office of the Commissioner of Lobbying (OCL) is responsible for the implementation of the Act. The Act provides for the establishment of a Registry of Lobbyists that seeks to improve transparency and accountability regarding communications by lobbyists with public office holders. This contributes to increasing the public's confidence in the integrity of government decision-making.

The primary activities to support the mandate of the OCL are threefold. They are to establish and maintain the Registry of Lobbyists, which contains and makes public the registration information disclosed by lobbyists, as well as their monthly returns regarding communications with designated public office holders; to develop and implement educational programs to foster public awareness of the requirements of the Act; and to ensure compliance with the Act and the *Lobbyists' Code of Conduct* (the Code).

Under the Act, the Commissioner of Lobbying has the authority to grant exemptions to designated public office holders who are subject to a five-year prohibition on lobbying activities. The Commissioner also has the ability to review allegations that lobbyists have been provided with fees contingent upon the success of their lobbying activities, the payment of which is now prohibited.

The Commissioner reports annually to Parliament on the administration of the Act and the Code and is required to table reports on any investigations conducted in relation to the Code.

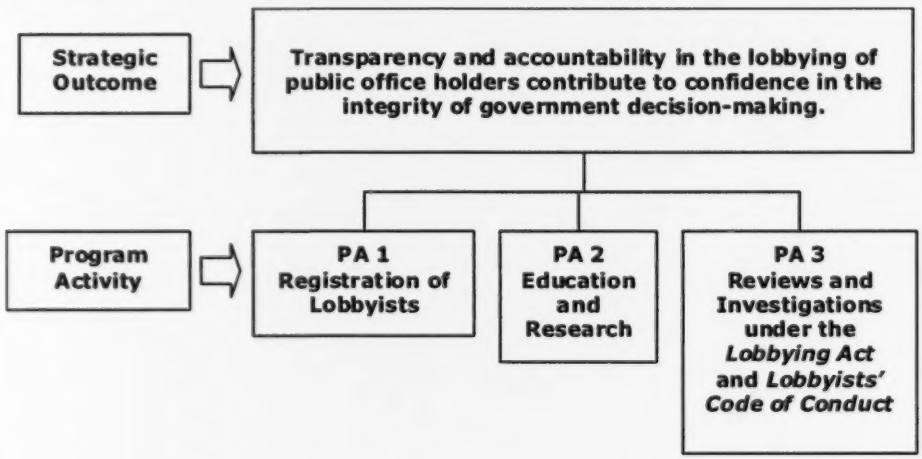
Strategic Outcome

In order to effectively pursue its mandate, the OCL aims to achieve the following strategic outcome:

Transparency and accountability in the lobbying of public office holders contribute to confidence in the integrity of government decision-making.

Program Activity Architecture

The Program Activity Architecture (PAA) for the OCL is its basis for reporting to Parliament. The PAA describes the relationship between the activities the OCL undertakes and the strategic outcome it is working to achieve, in order to produce results for Canadians. In addition, the PAA also provides the framework that links the expected results and the performance measures to individual program activities. The PAA clarifies why the OCL does the work it does and it measures the results achieved. Finally, the PAA also serves as a framework to link the financial resources to each program activity, indicating how the OCL manages the resources under its control to achieve its intended outcomes.


Strategic Outcome
Transparency and accountability in the lobbying of public office holders contribute to confidence in the integrity of government decision-making.
Program Activity
PA 1 Registration of Lobbyists
PA 2 Education and Research
PA 3 Reviews and Investigations under the Lobbying Act and Lobbyists' Code of Conduct

1.2 Planning Summary

Financial Resources ($ thousands)

2010-2011	2011-2012	2012-2013
4,625	4,629	4,629

The Financial Resources table above provides a summary of the total planned spending for the OCL for the next three fiscal years.

Human Resources (Full-time Equivalent – FTE)

2010-2011	2011-2012	2012-2013
28	28	28

The Human Resources table above provides a summary of the total planned human resources for the OCL for the next three fiscal years.

Strategic Outcome: Transparency and accountability in the lobbying of public office holders contribute to confidence in the integrity of government decision-making.

Performance Indicator	**Target**
The level of compliance with the *Lobbying Act* and the *Lobbyists' Code of Conduct*.	100%

Program Activity[1]	**Forecast Spending 2009-2010 ($ thousands)**	**Planned Spending ($ thousands)**			**Alignment to Government of Canada Outcomes**
		2010-2011	**2011-2012**	**2012-2013**	
Registration of Lobbyists	1,552	1,530	1,531	1,531	An accountable, transparent, and responsive government
Education and Research	1,097	891	892	892	An accountable, transparent, and responsive government
Reviews and Investigations under the *Lobbying Act* and *Lobbyists' Code of Conduct*	1,041	1,243	1,245	1,245	An accountable, transparent, and responsive government
Internal Services	884	961	961	961	
Total Planned Spending		4,625	4,629	4,629	

[1] For program activity descriptions, please access the Main Estimates online at http://www.tbs-sct.gc.ca/est-pre/index-eng.asp.

Contribution of Priorities to Program Activities and Strategic Outcome

Operational Priorities	Type	Links to Program Activity	Description
Maintain the Lobbyists Registration System	Ongoing	PA 1	The OCL undertook a major redesign of the Lobbyists Registration System (LRS) to accommodate the increased disclosure requirements of the *Lobbying Act*. The LRS is an internet-based software application used by lobbyists and registrants to log registrations, updates and renewals. It is also used by lobbyists, public office holders and the public to search for lobbying activities. The redesigned LRS is more streamlined and user-friendly than ever before. The OCL will use a combination of adaptive maintenance, enhanced support material, online multimedia tutorials, training, and frontline assistance to ensure that the operation of the redesigned LRS continues to be as effective as possible.
Promote awareness of the requirements of the *Lobbying Act* and the *Lobbyists' Code of Conduct*	Ongoing	PA 2	The OCL will promote awareness of the *Lobbying Act* to public office holders, designated public office holders, and individuals who may be required to register their activities in order to increase compliance. The *Lobbying Act* introduced many changes that still need to be explained to various audiences. The OCL will continue developing a comprehensive education and awareness strategy to enhance its current outreach efforts. Maximum use will be made of partnerships and information technology in order to leverage the OCL's outreach capacity.
Pursue enforcement of the *Lobbying Act* and the *Lobbyists' Code of Conduct* and communicate the results	Ongoing	PA 3	The OCL will continue to monitor media and other sources of information for indications of illegal or unethical lobbying activity. Outcomes of administrative reviews and investigations will be made public in accordance with the *Privacy Act* and other applicable legislation, and will be included in educational materials, where appropriate.
Management Priorities	**Type**	**Links to Strategic Outcome**	**Description**
Internal Management	New	SO	The OCL will complete its governance restructuring to better align and strategically manage its corporate functions.
Internal Management	Ongoing	SO	The OCL will streamline and integrate its planning and reporting instruments, including management planning, business planning, and corporate planning and reporting.
Human Resources Renewal	Ongoing	SO	The OCL will increase its organizational learning capacity and improve its adaptation to change, notably, changing demographics. This includes increased efforts to ensure that its workforce reflects the diversity of the Canadian population.

Risk Analysis

The Office of the Commissioner of Lobbying (OCL) was established when the *Lobbying Act* (the Act) came into force on July 2, 2008. The Act requires lobbyists to demonstrate transparency and accountability for their lobbying activities by respecting the requirements of the Act and the *Lobbyists' Code of Conduct* (the Code). Consequently, lobbyists must publicly disclose their activities when lobbying federal public office holders. To this end, the OCL has established and maintained a federal registry of lobbyists and lobbying activities known as the Lobbyists Registration System (LRS).

The Office of the Commissioner of Lobbying shares the challenges of any federal registry in terms of accuracy and timeliness of disclosure and maintaining and enhancing registrant compliance. The maintenance and enhancement of a registry, such as the LRS, is a very complex undertaking. The Act calls for transparency and accountability in lobbying registration and registrant compliance. To help ensure that this occurs, the OCL will continue to implement ongoing registry upgrades.

As an essential component of the Act, the LRS must be continually available for registrants and other users. Therefore, the OCL minimizes registration delays by preventing system interruptions. The Registry also has a number of built-in failsafe mechanisms to ensure it is continually up and running. In the unlikely event that the Registry does shut down, either intentionally or otherwise, the OCL has processes and systems in place to limit the amount of downtime.

The Act requires that registrants disclose certain communications involving designated public office holders (DPOHs). DPOHs include ministers, ministerial staff, deputy ministers and chief executives of departments, officials in departments at the rank of associate deputy minister or assistant deputy minister, as well as those occupying positions of comparable rank. This reporting requirement is satisfied online without OCL verification. As a result, reporting errors may occur. The OCL continues to educate lobbyists and DPOHs regularly on how to reduce errors, including over-reporting. The OCL has instituted a system to monitor the overall accuracy of monthly communication reports. It has also developed a means for external users to make specific amendments to incorrect monthly communication reports without the need for OCL involvement, thus freeing up resources for other priorities.

To ensure compliance with the Act and the Code, the OCL conducts administrative reviews and investigations. It also reviews applications for exemption from the five-year lobbying prohibition. The Commissioner's decisions with respect to administrative reviews, investigations and applications for exemption may be subject to judicial review in Federal Court. In certain cases, it is possible that judicial review decisions could affect the Commissioner's ability to complete investigations in a timely manner. The OCL conducts reviews and investigations that are fair, thorough and well-documented, which will stand the test of litigation, if required.

The OCL is undergoing a governance restructuring consisting of the creation of a new position, the Deputy Commissioner, as well as a review of the roles and responsibilities of other positions. The Deputy Commissioner will be responsible for consolidated corporate functions to enhance the OCL's effectiveness. As an evolving organization, the OCL is undertaking a number of first-time development initiatives to better prepare itself for forthcoming policy and program challenges. These

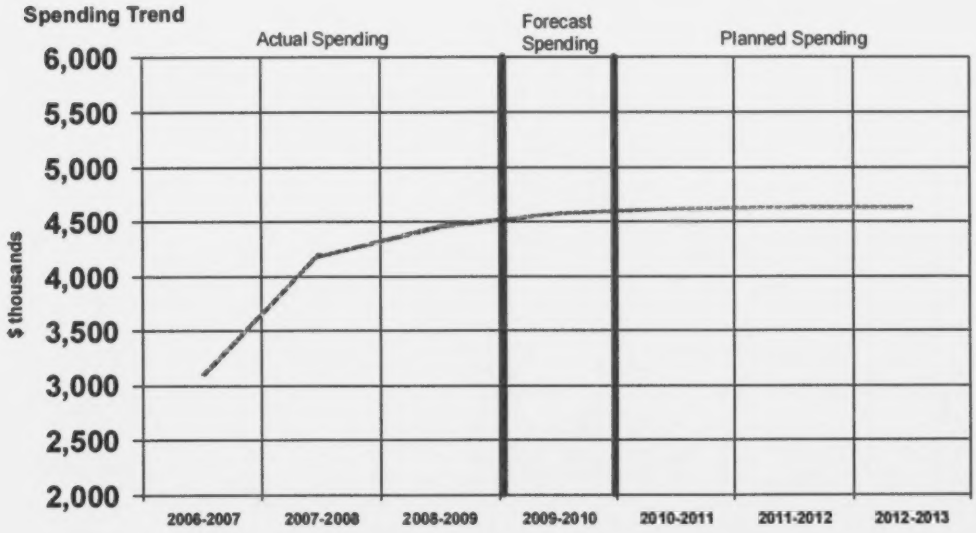
challenges include an anticipated review of the Act, a possible review of the Code, and an enhancement of the education and outreach mandate.

The OCL is a small department which is dependent on other federal organizations for the provision of certain corporate services, such as information technology, human resources and financial services. Service agreements undertaken with such providers are carefully monitored to ensure that all practices and services are consistent with OCL requirements and standards.

Expenditure Profile

For the 2010-2011 fiscal year, the OCL plans to spend $4.6 million to deliver its mandate and contribute to its strategic outcome.

The figure below illustrates the spending trend for the OCL from 2006-2007 to 2012-2013.



For the 2006-2007 to 2008-2009 periods, the total spending includes all Parliamentary appropriation and revenue sources: Main Estimates, Supplementary Estimates, and funding received from Treasury Board Central Votes. It also includes carry forward adjustments. For the 2009-2010 to 2012-2013 periods, the total spending corresponds to the planned spending.

In 2007-2008, OCL received additional funding on an ongoing basis to implement the lobbying provisions of the *Federal Accountability Act*, including significant modifications to the Lobbyists Registration System.

Voted and Statutory Items

(Thousands of dollars)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2009-2010 Main Estimates	2010-2011 Main Estimates
45	Program expenditures	4,120	4,203
(S)	Contributions to employee benefit plans	408	422
	Total Agency	4,528	4,625

Section II – Analysis of Program Activities by Strategic Outcome

2.1 Strategic Outcome

Transparency and accountability in the lobbying of public office holders contribute to confidence in the integrity of government decision-making.

The following section describes the program activities of the Office of the Commissioner of Lobbying (OCL) and identifies the expected results and its performance indicators and targets. This section also explains how the OCL plans to meet its expected results and presents the financial and non-financial resources that will be dedicated to each program activity.

This section will contain a discussion of plans surrounding the following Program Activities:

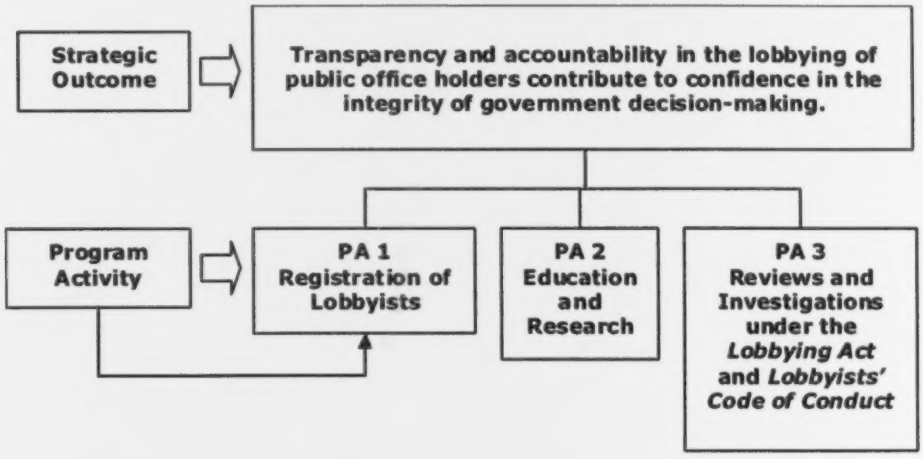
2.1.1 Registration of Lobbyists;

2.1.2 Education and Research;

2.1.3 Reviews and Investigations under the *Lobbying Act* (the Act) and the *Lobbyists' Code of Conduct* (the Code); and

2.1.4 Internal Services.

2.1.1 Program Activity: Registration of Lobbyists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Financial Resources ($ thousands)			Human Resources (Full-time Equivalents)		
2010-2011	2011-2012	2012-2013	2010-2011	2011-2012	2012-2013
1,530	1,531	1,531	8	8	8

Expected Result	Performance Indicator	Target
All lobbying activity is carried out by individuals, organizations and corporations that are properly registered in the Lobbyists Registration System.	Number of active registrations processed in the Lobbyists Registration System.	Maintain the number of active registrations processed per fiscal year at 7,500 or greater.

Program Activity Summary: Lobbying the federal government is a legitimate activity which must be done transparently. The Act requires that individuals who are paid to lobby public office holders disclose certain details of their lobbying activities. The OCL analyzes and approves lobbyists' registrations and makes them accessible to the public in an online electronic registry.

The 2008 amendments to the federal lobbying legislation resulted in considerable changes to the registration requirements of lobbyists. In response to these changes, the OCL deployed an online registration system that meets the lobbyist registration requirements of the Act. This system allows lobbyists to register their lobbying activities and perform transactions, such as amendments, renewals and terminations. It also allows public office holders and members of the public to search

the Lobbyists Registration System (LRS)– a function that increases the transparency of lobbying activities. The OCL plans to continue focusing on adaptive system maintenance of the Registry in order to generate operational efficiencies.

Performance of the program activity is measured by indicators, such as the number of visits to the OCL website, the number of active registrations, and the number of transactions completed within the LRS.

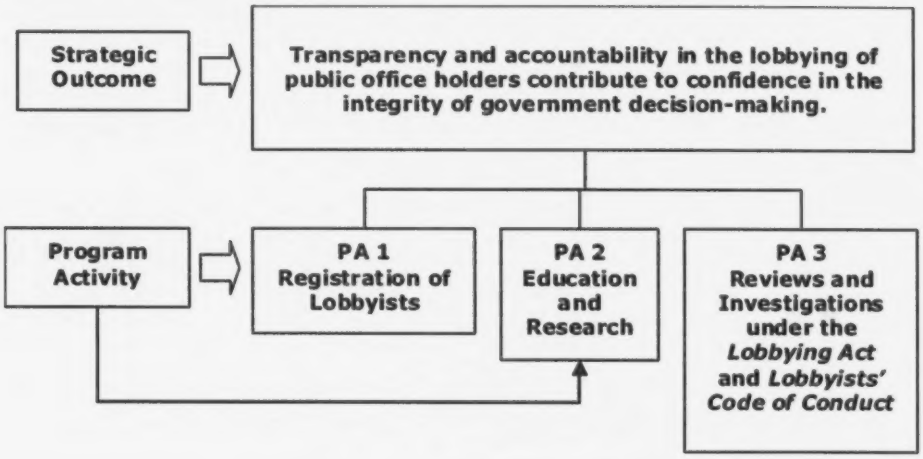
The OCL will continue to devote considerable effort to ensuring the integrity and the accessibility of the information held in the Registry of Lobbyists.

Planning Highlights: In order to achieve the expected result, the OCL plans to undertake the following activities:

- Optimize the administrative and approval processes for registrations to reduce turnaround time.
- Improve the Registry's search capability and transparency by implementing additional publicly-available search tools.
- Complete the implementation of an administrative interface for the verification of monthly communications reports.

Benefits for Canadians: This program activity directly contributes to the increased transparency of lobbying activities at the federal level which, in turn, will increase the confidence of Canadians in their federal institutions.

2.1.2 Program Activity: Education and Research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Financial Resources ($ thousands)			Human Resources (Full-time Equivalents)		
2010-2011	**2011-2012**	**2012-2013**	**2010-2011**	**2011-2012**	**2012-2013**
891	892	892	6	6	6

Expected Result	Performance Indicators	Targets
Lobbyists, their clients, public office holders and the public are aware of the scope and requirements of the *Lobbying Act.*	Number of outreach activities conducted by the OCL. Survey conducted in the third quarter of every year.	Maintain the number of outreach activities above 50 in fiscal year 2010-2011. 80% say that their awareness has increased.

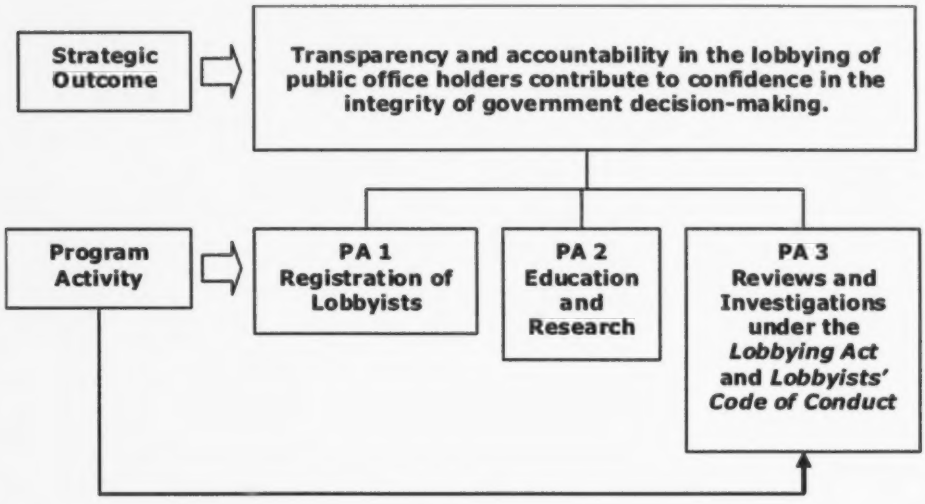
Program Activity Summary: The Act provides the Commissioner of Lobbying with a formal mandate to develop and implement educational programs to ensure that lobbying activities at the federal level are conducted in an ethical and transparent manner. The Education and Research Program Activity includes the development and implementation of an educational and outreach strategy to ensure that lobbyists, their clients, public office holders, and the public fully understand the new registration requirements brought forward by the *Lobbying Act*. Our goal is to increase awareness among target groups about the rationale and requirements of the Act and the Code.

Planning Highlights: In order to achieve the expected result, the OCL plans to undertake the following activities:

- Complete the development and implementation of a comprehensive education and outreach strategy that builds on the momentum of the OCL's activities from previous years.
- Generate awareness-building activities, such as: print and electronic documents; direct communication with lobbyists, media, public office holders and the public; advisory letters to lobbyists; information sessions; media relations; conferences; learning events; briefings for government institutions; and continued dialogue with other national and international jurisdictions and stakeholders.
- Continue to focus on the use of electronic, web-based and multimedia education and outreach approaches to reach large groups of stakeholders in an effective and cost-efficient manner.

Benefits for Canadians: This program activity contributes to increased awareness of the requirements of the Act and the Code in order to increase accountability and transparency in the lobbying of public office holders which, in turn, will increase the confidence of Canadians in their federal institutions.

2.1.3 Program Activity: Reviews and Investigations


Strategic Outcome
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Program Activity
PA 1 Registration of Lobbyists
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Financial Resources ($ thousands)			Human Resources (Full-time Equivalents)		
2010-2011	2011-2012	2012-2013	2010-2011	2011-2012	2012-2013
1,243	1,245	1,245	9	9	9

Expected Result	Performance Indicator	Target
Alleged breaches of the *Lobbying Act* and the *Lobbyists' Code of Conduct* are determined to be either unfounded or true so that they may be subjected to the appropriate sanctions.	Number of alleged breaches of the *Lobbying Act* and the *Lobbyists' Code of Conduct* which results in decisions.	Maintain the percentage of enforcement actions on alleged breaches at 100%.

Program Activity Summary: This program activity includes the monitoring of lobbying activity through the media, confirmation of information contained in monthly communication returns, review of applications for exemption from the five-year prohibition on lobbying, and investigations of allegations of non-compliance with the Act or the Code. Recommendation reports are prepared and submitted to the Commissioner to enable decision-making, and ensure that appropriate compliance measures are taken.

Planning Highlights: In order to achieve the expected result, the OCL plans to undertake the following activities:

- Monitor media and other publicly available sources of information for evidence of lobbying, verify that registrable activity is properly reported, advise groups and individuals about the requirement to register certain activities, and recommend appropriate means of ensuring conformity with the Act and the Code.
- Confirm the accuracy and completeness of monthly communication returns submitted by lobbyists and ensure the integrity of information contained in the Registry of Lobbyists.
- Review applications for exemption from the five-year prohibition on lobbying and provide timely and informative recommendation reports.
- Investigate alleged breaches of the Act and the Code, recommend appropriate compliance measures, and communicate results.
- Facilitate priority setting, planning, tracking and reporting of reviews and investigations by implementing a new case management system.

Benefits for Canadians: This program activity contributes to public confidence in decisions made by federal institutions by ensuring that lobbying activity is conducted in accordance with the requirements of the Act, and that lobbyists adhere to the principles and rules set out in the Code. Increased conformity with the Act and the Code ensures accountability and transparency in the lobbying of public office holders.

2.1.4 Program Activity: Internal Services

Financial Resources ($ thousands)			Human Resources (Full-time Equivalents)		
2010-2011	**2011-2012**	**2012-2013**	**2010-2011**	**2011-2012**	**2012-2013**
961	961	961	5	5	5

Program Activity Summary: Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Material Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

Given the specific mandate of the OCL to develop and implement educational programs to foster public awareness of the requirements of the Act, Communications Services are not included in Internal Services, but rather form part of the Education and Research Program Activity.

Planning Highlights:

The OCL has reviewed its governance structure in fiscal year 2009-2010, and the decision was made to restructure it in an effort to enhance OCL effectiveness.

Therefore, in 2010-2011, the OCL will complete its governance restructuring, bringing all of the strategic planning and corporate functions under the responsibility of the Deputy Commissioner. Once the governance structure is completed, the OCL will be in a position to better integrate business and human resources planning, and increase the range of its outlook from one-year to three-year strategies. Over the next three years, the OCL will continue to strengthen its management accountability framework. This will be done through better alignment of management instruments such as the Performance Measurement Framework, Corporate Risk Profile, Integrated Business and Human Resources Planning, and IM/IT Strategic Plan.

Section III – Supplementary Information

3.1 List of Tables

All electronic supplementary information tables found in the 2010-2011 Report on Plans and Priorities can be found on the Treasury Board of Canada Secretariat's website, http://www.tbs-sct.gc.ca/rpp/2010-2011/info/info-eng.asp.

- Green procurement